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agencies to issue implementing regulations which shall be in accord with the criteria and standards set forth in such policy directives."

"(1) Until the effective date of legislation implementing a uniform procurement system, the Director of the Office of Management and Budget shall deny or rescind the promulgation of any final rule or regulation of any executive agency relating to procurement if the Director determines that such rule or regulation is inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of this act or is inconsistent with any policy directives issued pursuant to subsection (b).

(1) Nothing in this Act shall be construed—

(1) to impair or affect the authorities or responsibilities conferred by the Federal Property and Administrative Services Act of 1949 with respect to the procurement of automatic data processing and telecommunications equipment and services or of real property; or

(2) to limit the current authorities and responsibilities of the Director of the Office of Management and Budget.

Strike Section 6 of the House Amendment and insert in lieu thereof, the following:

"Sec. 6. Section 10 of the Act (41 U.S.C. 409) is amended to read as follows:

"EFFECT OF EXISTING REGULATIONS"

"Sec. 10. Procurement policies, regulations, procedures, or forms in effect as of the date of enactment of the Office of Federal Procurement Policy Act Amendments of 1979 shall continue in effect, as modified from time to time by the issuing offices on their own initiative or in response to policy directives issued under 6(h) until repealed, amended, or superseded pursuant to the adoption of the uniform procurement system described in section 8 of this Act."

Section 7 of the House Amendment is amended by striking "\$3,000,000" and inserting in lieu thereof "\$4,000,000."

○ Mr. CHILES. Mr. President, earlier this year introduced S. 756, a bill to extend the authorization of the Office of Federal Procurement Policy. S. 756 passed the Senate in May and passed the House, with amendments, earlier this month.

The legislation is supported by the administration, the General Accounting Office, business, and labor.

The purpose of the Senate amendments is to make more explicitly what the administration and the House amendment established. It gives top priority for OFPP the development and implementation of a uniform procurement system. This system, which would ultimately embrace statutes, regulations, policies, and procedures, would modernize and simplify the system through which the Federal Government spends \$90 billion each year. We concur with the distinguished chairman of the House Government Operations Committee in recognizing the importance of such a project.

The House amendment provided that OFPP would have the authority to issue policy directives. The purpose of the Senate amendments is to clarify this authority. It makes it clear that OFPP policy directives shall be followed by executive agencies, and clarifies the nature of such policy directives.

In the past, OFPP has used policy letters as the vehicle for establishing important initiatives. For instance, OFPP used a policy directive letter to estab-

lish uniform regulations governing organizational conflicts of interest in procurement and use policy directive letter to implement the Contract Disputes Act of 1978.

These two instances are indicative of the nature and scope of the policy directives which OFPP will be able to promulgate under section 6(h) of S. 756.

OFPP's authority to issue policy directives would be in furtherance of specified policy objectives in S. 756 or of the development and implementation of the proposed uniform procurement system.

Mr. President, there are several other perfecting amendments to this legislation. I would like to submit for the Record a brief explanation of each of these amendments.

OFPP's authorization expires this weekend so it is important that we act promptly on this legislation.

The amendment was agreed to.

Mr. ROBERT C. BYRD. I move that the Senate concur in the House amendments as amended.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. TOWER. I move to lay that motion on the table.

Mr. ROBERT C. BYRD. Mr. President, yield the floor.

Mr. STEVENSON addressed the Chair. The PRESIDING OFFICER. The Senator from Illinois.

EXPORT ADMINISTRATION ACT OF 1979—CONFERENCE REPORT

Mr. STEVENSON. Mr. President, I submit a report of the committee of conference on S. 737 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 737) to provide authority to regulate exports, to improve the efficiencies of export regulation, and to minimize interference with the ability to engage in commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the printing requirement be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The conference report will be printed in the proceedings of the House of Representatives.)

Mr. STEVENSON. Mr. President, the conferees of the House and Senate on S. 737 have reached agreement on the Export Administration Act legislation. This bill must be passed today in order for the President to sign the legislation before the current export control authority expires this Sunday, September 30, 1979.

The conferees agreed to accept most of the provisions of the Senate bill, S.

737. The Senate Banking Committee reported S. 737 unanimously on May 15 and the Senate adopted the bill by a vote of 74 to 3 on July 21. The bill contains authority to control exports where such controls will advance our national security and foreign policy interests or alleviate economic distress due to domestic short-supply conditions.

The legislation includes improved procedures for processing export license applications. The procedures were contained in the Senate bill and follow closely the recommendations of the National Governors Association.

S. 737 would establish a new export control statute, the Export Administration Act of 1979, superseding the 1969 act. S. 737 incorporates many provisions of the 1969 act, but also makes extensive improvements to insure that export control authority is exercised with maximum efficiency and controls confined to those necessary to achieve important national purposes.

Mr. President, S. 737 would establish an export control policy which protects vital security and foreign policy interests without unnecessarily restricting U.S. exports. It would reduce the number of controlled items and focus national security controls on technologies and related products critical to military systems. It would set criteria which the President must consider before imposing export controls for foreign policy purposes. It would reduce paperwork by establishing licenses under which multiple shipments could be made to a specified purchaser for a stated end use. It would expedite interagency review by requiring agreement in writing on types and categories of applications requiring interagency referral and setting a 30-day deadline for returning comments to the Commerce Department. It would insure final decisions on all applications within a maximum of 180 days.

S. 737 requires that export controls maintained for national security purposes be reviewed by the President every 3 years in the case of controls maintained cooperatively with other nations and every year in the case of unilaterally maintained controls. Priority in administering such controls is to be given to preventing exports of militarily critical goods and technology and the Secretaries of Commerce and Defense are required to review and revise such controls to insure they are focused upon and limited to the maximum extent possible consistent with the purposes of the bill, to militarily critical goods and technology and the mechanisms through which they may be effectively transferred.

S. 737 requires that foreign availability of goods and technology subject to export controls be determined both with respect to controls maintained for foreign policy purposes and those maintained for national security purposes. If the goods or technology are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, the President shall not impose export controls unless he determines that adequate evidence has been presented to him demonstrating that the absence of such

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"(1) to impair or affect the authorities or responsibilities conferred by the Federal Property and Administrative Services Act of 1949 with respect to the procurement of automatic data processing and telecommunications equipment and services or of real property; or

"(2) to limit the current authorities and responsibilities of the Director of the Office of Management and Budget."

RESPONSIVENESS TO CONGRESS

SEC. 5. (a) Section 8(a) of the Act (41 U.S.C. 407(a)) is amended to read as follows:

"Sec. 8. (a) (1) The Administrator shall keep the Congress and its duly authorized committees fully and currently informed of the major activities of the Office of Federal Procurement Policy, and shall submit a report thereon to the House of Representatives and the Senate annually and at such other times as may be necessary for this purpose.

"(2) At the earliest practicable date, but in no event later than one year after the date of enactment of the Office of Federal Procurement Policy Act Amendments of 1979, the Administrator shall transmit to the House of Representatives and the Senate his proposal for a uniform procurement system. Such proposal shall include a full description of the proposed system, projected costs and benefits of the system as proposed, and short- and long-term plans for implementation of the system, including schedules for implementation. At the same time, the Administrator shall transmit a report on the recommendations of the Commission on Government Procurement specified in section 6(d) (1) of this Act.

"(3) At the earliest practicable date, but in no event later than one year after presentation of the proposal described in paragraph (2) of this subsection, the Administrator shall propose to the House of Representatives and the Senate recommended changes in legislation relating to procurement by executive agencies. If the Administrator deems it necessary, these recommendations shall include a proposal for a consolidated statutory base for procurement by executive agencies.

"(4) At the earliest practicable date, but in no event later than the submission of the legislative recommendations described in paragraph (3) of this subsection, the Administrator shall present a proposal for a management system described in section 6(c) to implement and enforce the uniform procurement system."

(b) Section 8 of the Act (41 U.S.C. 407) is further amended—

(1) by striking out "any major policy or regulation prescribed under section 6(a)" in subsection (b) and inserting in lieu thereof "any policy prescribed under section 6(h)";

(2) by striking "or regulation" each place it appears in such subsection; and

(3) by striking out "any major policy or regulation" in subsection (c) and inserting in lieu thereof "any policy".

EFFECT ON EXISTING REGULATIONS

SEC. 6. Section 10 of the Act (41 U.S.C. 409) is amended to read as follows:

"EFFECT ON EXISTING REGULATIONS"

"Sec. 10. Procurement policies, regulations, procedures, or forms in effect as of the date of enactment of the Office of Federal Procurement Policy Act Amendments of 1979 shall continue in effect, as modified from time to time, until repealed, amended, or superseded pursuant to the adoption of the uniform procurement system described in section 6 of this Act."

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 11 of the Act (41 U.S.C. 410) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out the provisions of this Act, and for

no other purpose, \$3,000,000 for the fiscal year ending September 30, 1980, and for each of the three succeeding fiscal years; and one-third of the funds appropriated for any such fiscal year shall be made available to the Federal Acquisition Institute for the performance of its functions under this Act."; and

(2) by striking out "Government Operations" in the second sentence and inserting in lieu thereof "Governmental Affairs".

DELEGATION

SEC. 8. Section 12(a) of the Act (41 U.S.C. 411(a)) is amended by striking out "direction of Federal procurement policy and to prescribe policies and regulations to carry out that policy" and by inserting in lieu thereof "leadership in the development of Federal procurement policy".

ACCESS TO INFORMATION

SEC. 9. Section 14(b) of the Act (41 U.S.C. 412(b)) is amended by striking out "establishing" and inserting in lieu thereof "developing".

CONFORMING AMENDMENTS

SEC. 10. (a) Sections 201(a) (1), 201(c), and 203(c) (3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a) (1), 481(c), 487(a) (4)) are each amended by striking out "subject to regulations" and inserting in lieu thereof "subject to policy directives".

(b) Section 402(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(c)) is amended by striking out "except as otherwise provided by the Office of Federal Procurement Policy Act, and".

EFFECT ON OTHER LAW

SEC. 11. The provisions of the Act as amended by this Act shall supersede the provisions of section 222 of the Act of October 24, 1978, entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958" (41 U.S.C. 405a) to the extent they are inconsistent therewith.

EFFECTIVE DATE

SEC. 12. Except to the extent otherwise provided therein, the amendments made by this Act shall take effect on October 1, 1979.

Amend the title so as to read: "An Act to amend the Office of Federal Procurement Policy Act, and for other purposes."

UP AMENDMENT NO. 581

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with several clarifying amendments en bloc. I understand these amendments are acceptable to the House.

THE PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment numbered 581:

Strike section 2 of the House amendment and insert in lieu thereof the following:

"Sec. 2. Strike section 2 of the Act (41 U.S.C. 401) and insert in lieu thereof the following:

"DECLARATION OF POLICY"

SEC. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government by—

(1) promoting the use of full and open competition in the procurement of products and services;

(2) establishing policies, procedures, and practices which will require the Government to acquire property and services of the requisite quality and within the time needed at the lowest reasonable cost;

(3) improving the quality, efficiency, economy, and performance of Government pro-

curement organizations and personnel, and eliminating fraud and waste in the procurement process;

(4) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(5) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(6) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(7) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

(8) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operation;

(9) coordinating procurement policies and programs of the several departments and agencies;

(10) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(11) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government; and

(12) promoting fair dealing and equitable relationships among the parties in Government contracting."

Amend Section 4(c) of the House Amendment by striking paragraph (5) therein, and inserting in lieu thereof, a new paragraph (5), which shall read as follows:

"(5) establish, through the Federal Procurement Data Center, which shall be located in the General Services Administration and acting as executive agent for the administrator, a computer-based information system for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector;"

Strike Section 4(d) of the House Amendment and insert in lieu thereof; the following:

"(d) Section 6(e) of the Act (41 U.S.C. 405(e)) is amended to read as follows:

"(e) In the development and implementation of the uniform procurement system the Administrator shall consult with the executive agencies affected, including the Small Business Administration and other executive agencies promulgating policies, regulations, procedures and forms affecting procurement. To the extent feasible, the Administrator may designate an executive agency or agencies, establish interagency committees, or otherwise use agency representatives or personnel to solicit the views and the agreement, so far as possible, of executive agencies affected on significant changes in policies, regulations, procedures and forms."

Strike Section 4(e) of the House Amendment and insert in lieu thereof; the following:

"(e) Section 6 of the Act (41 U.S.C. 405) is further amended by inserting at the end thereof the following new subsections:

"(h) (1) Until the effective date of legislation implementing a uniform procurement system, the Administrator may, with the concurrence of the Director of the Office of Management and Budget, issue policy directives, in accordance with existing law, for the purpose of promoting the development and implementation of the uniform procurement system or for the purpose of promoting the policies set forth in paragraphs (1) through (8) of Section 2 of this Act. Such policy directives shall be followed by executive agencies.

(2) Any policy directives issued pursuant to paragraph (1) may require executive

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controls would prove detrimental to the foreign policy or national security of the United States. If the President decides to maintain export controls despite foreign availability, he is required to initiate negotiations with other governments to try to remove such foreign availability.

S. 737 would not interfere with the President's ability to respond immediately to foreign policy crises. The President could decide that one, several, or all of the factors were not relevant to imposing export controls in a given situation. He could also impose export controls before it is known whether foreign availability exists.

Moreover, controls could be continued if they were inconsistent with these factors or if it later became apparent that foreign availability does exist. These factors are to be taken into consideration, but they are not conditions which must be met. Controls may be continued notwithstanding foreign availability if the President determines that failure to do so would be detrimental to U.S. foreign policy.

The conference adopted the language of the House bill which provides that, in developing the list of military critical technologies primary emphasis shall be given to arrays of design and manufacturing know-how, keystone manufacturing, inspection and test equipment, and goods accompanied by sophisticated operation, application, or maintenance know-how, which would permit a significant advance in the military system of a country to which exports are controlled.

The version of the bill that had been passed by the Senate provided that priority shall be given to goods and technology critical to the design, development, production, or use of existing or potential military systems, including weapons, command control, communications, and intelligence systems and other military capabilities, such as countermeasures, which would make a significant contribution to the military potential of an adversary nation.

In accepting the House language, there was no intent to reduce the scope of coverage of military critical technologies. Thus, the conference bill covers technologies and goods which transfer know-how which would enable a significant advance in an adversary nation's military system, in the broad sense of the term as was defined in the Senate bill. Also, no substantive difference was intended by the use of the term "significant advance" in the conference bill rather than "significant contribution" which was used in the Senate bill.

Mr. HEINZ. Mr. President, today I am proud to join with my esteemed colleague, the chairman of the Subcommittee on International Finance, ADLAI STEVENSON, to urge passage of the conference report on S. 737, the Export Administration Act of 1979, the purpose of which is to streamline and make more responsive the Nation's export control policy.

At the hearings which have been held on export controls during this Congress and the previous one, I heard almost

unanimous condemnation by exporters and expert witnesses of our Nation's export control process. An overwhelming body of evidence was adduced to demonstrate that current export control policy is inconsistent, plagued by uncertainty and vagueness, indeed threatening to undermine our reputation as a reliable supplier in the world marketplace. The administration's response to those accusations was weak and unconvincing.

When the original Export Control Act was adopted after World War II, America was the world's technological leader. Unilateral controls were sufficient, and where they were not, we could threaten aid cut-offs to compel our allies to apply export controls we devised. This is no longer the case. Our preeminent position in the world economy has eroded. The ability of U.S. industry to compete in the world marketplace is declining. Our once substantial lead in technology has been overtaken in significant areas: Machine tools, power turbines, reactors, jet aircraft, naval vessels. Many of tomorrow's critical technologies are being developed today in Japan and Europe.

Our Nation's edge in high technology (as well as agriculture and other industrial goods) is a precious resource for jobs and capital growth which we must aggressively promote in foreign markets. Each time a license is denied for insufficient cause, or delayed to the point where customers are discouraged and begin to look elsewhere, that precious resource is squandered. Worse still, there is a multiplier effect, in which potential exporters lose their enthusiasm for the process and potential importers of U.S. goods decide that they had better turn to other, more reliable sources for their needs, in some cases despite the U.S. edge in quality or technology.

Mr. President, we are ill-served by the current system which causes seemingly endless delays and uncertainty on licenses before granting them. The conference version of S. 737, which we are voting on today would go a long way toward remedying that situation.

The message I have received from exporters is not that they are asking for a removal of restraint. Rather, what they want—and what this bill provides—is a streamlined and predictable export control policy, which can be used as a reliable guide to marketing and long-term commitments.

Mr. STEVENSON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARIFICATION OF TIME LIMITATION AGREEMENT ON DEBT LIMIT MEASURE, H.R. 5369

Mr. ROBERT C. BYRD. Mr. President, as to the time agreement anent the debt limit measures, there is an overall limitation of 4 hours, and it is the intent, and I state it now, that that 4 hours cover amendments, motions, appeals, and points of order. That is 4 hours overall.

Will the Chair rule on that, so it will be clear?

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, there are three orders for the recognition of Senators on tomorrow. The Senate will come in at 10:15 a.m. This would mean it will be about 11 o'clock when the Senate proceeds to take up the fuel efficiency measure, which is under a time agreement, and which is identified as Calendar Order No. 326. On that measure, there is 1 hour on the bill and 30 minutes on amendments, debatable motions, appeals, or points of order, if such are submitted to the Senate.

On the disposition of that bill—and I assume there will be a rollcall vote in connection therewith—the Senate will take up the debt limit bill under a 4-hour time agreement. There will undoubtedly be a vote or votes on that, I should think, and conceivably the Senate could be in session until 5 or 6 o'clock tomorrow.

There may be conference reports and/or other measures cleared for action. So this would indicate there would be rollcall votes tomorrow.

RECESS UNTIL 10:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:15 a.m. tomorrow.

The motion was agreed to; and at 6:22 p.m. the Senate recessed until tomorrow, Friday, September 28, 1979, at 10:15 a.m.

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CONFIRMATIONS

Executive nominations confirmed by the Senate September 27, 1979:

DEPARTMENT OF STATE

Roberts Bishop Owen, of the District of Columbia, to be Legal Adviser of the Department of State.

Irving G. Cheslaw, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

William D. Wolle, of Iowa, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Francois M. Dickman, of Wyoming, a Foreign

Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

John R. Clingerman, of Michigan, a Foreign Service officer of class 3, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Kenneth M. Curtis, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Nancy V. Rawls, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Richard Noyes Viets, of Vermont, a Foreign Service officer of class 2, to be Ambassador

Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Thomas W. M. Smith, of Maine, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Donald R. Norland, of New Hampshire, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.